| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0450  Responded to: 24th February 2023 |
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Your recent request for information is replicated below, together with our response.

## The number of under-18s arrested by your police force for drug offences involving cannabis edibles or gummies, year-by-year, from 1 January 2021 to 31 January 2023

## The total number of arrests by your police force for drug offences involving cannabis edibles or gummies, year-by-year, from 1 January 2021 to 31 January 2023

## If you cannot distinguish between cannabis-related arrests and cannabis edibles-related arrests within the cost limit, please could you instead provide:

## The number of under-18s arrested by your police force for cannabis offences, year-by-year, from 1 January 2021 to 31 January 2023

## The total number of arrests by your police force for cannabis offences, year-by-year, from 1 January 2021 to 31 January 2023

In 2018, the Criminal Justice (Scotland) Act 2016 removed the separate concepts of arrest and detention and replaced them with a power of arrest without warrant - where there are reasonable grounds for suspecting a person has committed, or is committing, an offence.

When a person is arrested, a statement of arrest should be read over as soon as reasonably practical and details recorded in the arresting officer’s notebook.

A person is ‘Not Officially Accused’ (a suspect) when arrested and not cautioned and charged. They are ‘Officially Accused’ once arrested and cautioned and charged.

If conveyed to a police station, the arrested person (of either classification) will have their details recorded in the Police Scotland National Custody System.

The Act however also provides for certain situations whereby a person must be released from police custody prior to their arrival at a police station - effectively allowing the police to ‘de-arrest’ that person where the reasonable grounds for suspicion no longer exist.

In those circumstances, the details of an arrested person are not held electronically.

As a result, we are unfortunately unable to collate comprehensive arrest data as case by case assessment of all officer notebooks would be required - in addition to the partial arrest data held in the National Custody System.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request. As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

Notwithstanding, we have considered your request in terms of recorded and detected crimes, however Section 12(1) of the Act still applies.

To explain, crimes in Scotland are recorded in accordance with the Scottish Government Justice Department offence classification codes and are not thereafter sub-categorised. In this instance, drug offences are not sub-categorised by drug type. The only way to establish whether the drug involved was cannabis or cannabis edibles/ gummies would be to carry out case by case assessment of all drug offences.

Case by case assessment would also have to be carried out to establish whether accused was under the age of 18 years as the crime recording systems used by Police Scotland have no facility whereby the age of an accused can be easily extracted, nor can a search be carried out by age of the accused.

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.